Legislative Assembly of Saskatchewan

FIRST REPORT

of the

SPECIAL COMMITTEE

on

RULES and PROCEDURES

of the

LEGISLATIVE ASSEMBLY

May 15, 1992

Legislative Building
Regina, Saskatchewan
May 15, 1992

To The Honourable
The Legislative Assembly of
The Province of Saskatchewan

HONOURABLE MEMBERS:

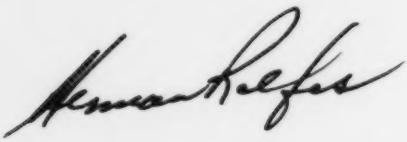
I have the pleasure to present herewith the First Report of the Special Committee on Rules and Procedures of the Legislative Assembly appointed by a Resolution of the Assembly dated December 19, 1991 to consider and report upon the advisability of making changes to the rules and procedures of the Assembly.

The Members of the Committee have worked together diligently in a spirit of co-operation to reach the considerable recommendations contained in this report.

The Committee's work will continue on various matters still under study including a general revision and reorganization of the Rule book.

I wish to thank the Members of the Committee for their dedication and on their behalf to express the Committee's appreciation to the many legislative staff who assisted the Committee in its work.

Respectfully submitted on behalf of the Committee.



Hon. H. Rolfes
Chair
MLA Saskatoon Nutana

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ORDER OF REFERENCE

On December 19, 1991, the Legislative Assembly of Saskatchewan passed the following resolution constituting a Special Committee of the Legislature:

On motion of the Hon. Mr. Lingenfelter, seconded by the Hon. Mr. Cunningham:

Ordered, That a Special Committee composed of Mr. Speaker as Chair and Members Van Mulligen, Lingenfelter, Calvert, Bradley, Kowalsky, Stanger, Shillington, Haverstock, Martens and Neudorf be appointed to examine such matters as it deems advisable with respect to the rules, procedures, practices and powers of the Legislative Assembly, its operation and organization, and the facilities and services provided to the Assembly, its committees and Members.

That this Special Committee be instructed to include in its report, drafts of proposed rules to give effect, if adopted by the Assembly, to any change or changes that may be proposed by the Committee.

That the Committee have the power to sit during the intersessional period and during the sessions except when the Assembly is sitting, and that the Committee have the power to send for persons, papers and records, and to examine witnesses under oath, to receive representations from interested parties and individuals, and to hold meetings away from the seat of government in order that provisions in other Legislatures can be studied.

That this Committee be instructed to submit a report to the Assembly at such time as the Assembly resumes regular sittings in 1992.

COMPOSITION OF THE COMMITTEE

MEMBERS

Hon. Herman Rolfes, Speaker, Chair	Saskatoon Nutana
Mr. Harold Martens, Vice Chair	Morse
Ms. Judy Bradley	Bengough–Milestone
Mr. Lorne Calvert	Moose Jaw Wakamow
Ms. Lynda Haverstock	Saskatoon Greystone
Mr. Myron Kowalsky	Prince Albert Carlton
Hon. Dwain Lingenfelter	Regina Elphinstone
Mr. Bill Neudorf	Rosthern
Hon. Ned Shillington	Regina Churchill Downs
Ms. Violet Stanger	Cut Knife–Lloydminster
Mr. Harry Van Mulligen	Regina Victoria

ORGANIZATION

The first meeting of the Committee was held in the Legislative Building on January 30, 1992 with Mr. Speaker Rolfes in the Chair, at which time Mr. Harold Martens, Member of the Legislative Assembly for the constituency of Morse was appointed Vice-Chair.

During the deliberations the Committee considered the practices of other jurisdictions and consulted extensively with other Members of the Saskatchewan Legislative Assembly.

The Committee held seven meetings and deliberated for a total of forty hours in the preparation of this first report.

1. INTRODUCTION

The Legislative Assembly of Saskatchewan established its first standing orders in 1906. For the most part, the rules were copied from those used by the House of Commons in Ottawa and as such reflected Canadian parliamentary practice. That practice, as well, formed the essential framework for most proceedings of the Saskatchewan Legislative Assembly. It served as a starting point for parliamentary practice in this province. Procedure, however, is not static and has evolved in each parliament to suit local requirements. Saskatchewan is no exception in this regard and it was not long after 1906 when the Assembly began modifying its rules to its own purposes. Revisions have been carried out nearly each decade since that time and sometimes with even greater regularity in order to meet the pace of change. Often changes have been made to modernise practice or to streamline procedure. The achievement of brevity and clarity is often at the root of Rules Committee work. This is because to be effective, rules and practices must be useful to the Members which they serve. It is for this reason rules are periodically reviewed. Accordingly, your Committee was appointed on December 19, 1991 with a broad order of reference to make another such review.

Your Committee set about its task by outlining a wide range of procedural issues of concern to Members, including the Speaker. Studies were done and as well many of Saskatchewan's procedures were compared with those of other jurisdictions. It is anticipated that the process of review and evaluation of new procedures will extend past the present session. Nonetheless, your Committee has had an opportunity to complete its study on a number of matters and is prepared to make certain recommendations to the Assembly.

The recommendations that follow range from the implementation of completely new rules, to the modification of existing rules, to the changing of certain practices. Recommendations are made to accommodate modern technology such as lap-top computers and to bring the Assembly into conformity with current social values on smoking. New guidelines for the broadcast of Legislative proceedings are proposed to give the public a better perspective on what goes on in the Chamber.

Other recommendations are made in the interest of simplifying unduly complicated rules such as those for the emergency debate process. Other rules such as those for written questions and returns are changed to make them more effective and useful to Members. Measures are proposed to expedite the review of estimates when it is necessary to do so. Finally your Committee proposes that Private Members' Day be extensively reformed by restructuring the Order Paper and re-orientating the nature of private Members' debates. As well your Committee recommends a Members' Statement period each day to further enhance the ability of private Members to address issues of their choosing.

While the recommendations that follow are considered by your Committee to be important improvements to meet the needs of Members, it is proposed

that if this report is adopted its recommendations be implemented initially on a provisional basis. The Committee is of the opinion that a trial period would provide an opportunity for it to assess each of the proposed changes before they are permanently entrenched into our body of rules and practices. Accordingly, it is recommended that the trial period extend to the fiftieth sitting day of the current session (Second Session, Twenty–Second Legislature), at which time your Committee would provide reasons if any recommendation of this report should not be permanently adopted.

Your Committee hopes that its recommendations are taken in the spirit of progress and will be seen as a benefit to the Legislative Assembly. It is, however, the intention of the Committee to continue meeting to monitor these changes, if the Assembly sees fit to adopt them, and also to carry on its consideration of other matters still at the study stage.

2. SITTING HOURS

Issue

There has been no change in the specified hours of sitting of this Assembly since 1976. While the workload of the Assembly has increased since that time as is demonstrated by the increase in sitting days per year so also have the demands on Members increased outside of their work in the Chamber. The Committee considered ways to enable Members to use their time more effectively. While retaining the weekly number of sitting hours at 24, the Committee is proposing a reduction in night sittings from 3 to 2 per week. This would provide more opportunities for interest groups and citizens to meet with caucuses and Members in the evenings and, as necessary, to accommodate legislative committee meetings. The rule changes will also provide for an extra hour of private Members' business to enhance the opportunities for private Members.

Recommendation

That Thursday night sittings be eliminated and that additional time be added to the afternoon and remaining evening sittings.

In respect of this recommendation, your Committee proposes the following amendment to Rule 3:

SITTINGS OF THE ASSEMBLY

3(1) The times for the daily meeting and adjournment of the sittings of the Assembly shall be as follows:

Monday	1:30 — 5:00 p.m.	and	7:00 — 10:30 p.m.
Tuesday	1:30 — 5:00 p.m.	and	7:00 — 10:30 p.m.
Wednesday	1:30 — 5:00 p.m.		
Thursday	1:30 — 5:00 p.m.		
Friday	10:00 a.m. — 1:00 p.m.		

3(2) At the ordinary time of daily adjournment, unless the closure rule (Rule 34) be then in operation, the proceedings on any business under consideration shall be interrupted and the Speaker shall adjourn the Assembly without question put, provided that all business not disposed of at the termination of the sitting shall stand over until the next sitting day, when it will be taken up at the same stage where its progress was interrupted.

3(3) If the Assembly is in the Committee of the Whole or Committee of Finance at the ordinary time of daily adjournment, as specified by Rule 3(2), the committee shall rise and the Chairman of the committee shall report the committee's progress to the Assembly. At the conclusion of the committee's progress report, the Speaker shall adjourn the Assembly without question put.

3(4) When the Assembly rises on Friday, it stands adjourned unless otherwise ordered, until the following Monday.

3. PUBLIC HOLIDAYS

Issue

The Rules and Procedures of the Legislative Assembly have never provided for public holidays. Consequently, a motion is necessary each time the Assembly does not wish to sit on these dates. The Committee feels such motions should not be necessary and the rules should reflect the general practice that the Assembly rarely sits on a public holiday.

Recommendation

The Committee recommends that the rules governing times for meeting of the Assembly be amended to exempt it from sitting certain specified public holidays. The Committee further recommends that the Assembly sit Friday hours on any meeting day that immediately precedes those specified public holidays. The proposed rules are as follows:

3(5) The Assembly shall not meet on New Year's Day, Good Friday, Victoria Day, Canada Day, Saskatchewan Day, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day and Boxing Day.

3(6) On any meeting day that precedes a public holiday as provided in Rule 3(5), the Assembly shall meet at 10:00 a.m. and the Assembly shall adjourn at 1:00 p.m. subject to the provisions in Rule 3(2) and Rule 3(3), so far as may be applicable.

4. ABOLISHMENT OF THE REQUIREMENT FOR SECONDERS

Issue

The rule requiring a seconder for motions has been for a long time modified by practice in the Saskatchewan Assembly. Seconders for motions and amendments are not required in any committee nor have motions to move the reading stages of bills required seconders. Furthermore, the requirement for a seconder has been abandoned by a number of legislative assemblies including the British House of Commons, the Australian Senate and both Houses of the United States Congress.

In abolishing the requirement for seconders, the Australian Senate Standing Orders Committee made the following observation:

> The requirement for seconders has also been objected to on the principle that each Senator has been elected by a large number of electors, and ought to have the right to have his motions before the Senate voted upon even if he cannot obtain a seconder for them.

Recommendation

The Committee recommends the following amendment to Rule 43 in which the requirement for seconders is abolished:

43 All motions shall be in writing and proposed from the Chair before debate. When a motion is moved, a seconder shall not be required.

Consequential Amendment

Rule 84 must be amended by deleting the reference to seconding of motions as follows:

84(1) The Rules and Procedures of the Legislative Assembly shall be observed in the Committees of the Whole Assembly, so far as may be applicable, except the rules as to limiting the number of times of speaking.

5. THE CONSIDERATION OF THE ESTIMATES

Issue

The detailed review of the Government's spending estimates remains one of the most important means by which the executive is held responsible to the Legislative Assembly. During an average year, the Legislative Assembly spends 35 to 40 per cent of its time on the conduct of financial business. The Committee considered various ways to use this time and the time of all of its Members more efficiently.

Many jurisdictions refer estimates to various standing committees for review. In a small legislature such as ours, it is difficult for more than one or two committees to meet at the same time. The Committee found that a proposal to divide the Committee of Finance into two parts that could sit simultaneously would be more workable in a small House. This procedure is currently in use in Manitoba and would allow for more Members to participate in the review process at the same time thus making better use of the Members' time.

Recommendation

It is recommended that a new procedure be implemented which would provide for the Committee of Finance to be divided into two sections each of which would review different estimates but meet at the same time. This process could be invoked by the agreement of Government and Opposition House Leaders. One section would continue to meet in the Chamber while the other section meets in one of the committee rooms.

Rule Changes

Add the following subsections after Rule 87:

87.1(1) Where the Government and Opposition House Leaders have reached an agreement and the agreement has been announced in Committee of Finance by the Chairman of Committees, the Committee of Finance may sit in two separate sections concurrently, one section in the Chamber and one section outside the Chamber, to consider the estimates as designated in the agreement.

87.1(2) Whenever the following proceedings are called for, both sections of the Committee of Finance shall meet together in the Chamber to conduct the proceedings:

(a) reporting to the Legislative Assembly
(b) a recorded division
(c) a quorum count
(d) an appeal from the ruling of the Chair
(e) disciplinary proceedings.

87.1(3) When the section of the Committee of Finance meeting outside the Chamber is required to carry out any of the proceedings referred to in sub–rule 87.1(2), the Chairman and the Members shall rise and resume sitting with the section of Committee of Finance meeting in the Chamber until such time as the combined Committee of Finance is ready to conduct the required proceedings.

87.1(4) When the section of the Committee of Finance meeting inside the Chamber is required to carry out any of the proceedings referred to in sub–rule 87.1(2), the Chairman shall summon the other section of the Committee by causing the bells to ring for two minutes. The required proceedings shall then be conducted in the combined Committee.

87.1(5) All proceedings on summary resolutions preparatory to the introduction of an interim supply or main appropriation bill shall be conducted with both sections of the Committee of Finance sitting together in the Chamber.

6. TELEVISION GUIDELINES

Issues

1. Guidelines prohibit Members from receiving audio/video copies of the proceedings, other than their own speeches, without written permission from all Members who were speaking during the segment requested. The media, by contrast, have full and unrestricted access to the audio/video record of proceedings.

2. The guidelines are restrictive, seldom allowing viewers to see a physical perspective of the Chamber. Example: Where is the Speaker in relation to the Members? The guidelines do not allow visual coverage of visiting dignitaries during introductions. This restricted view is not imposed on viewers in the public galleries.

3. The restrictive nature of the shots allowed creates confusion. Example: During Committee of Finance, Broadcast Services are not allowed to show the Minister conferring with department officials. Until the Minister is ready to answer the question, viewers are shown only the Chair and the Clerks-at-the-Table.

Recommendation

The current guidelines have been revised in an attempt to deal with the issues aforementioned as well as concerns raised by the Committee with respect to use, by persons or organizations, of the audio/video record of the proceedings.

Specific changes to the guidelines are as follows:

Guideline #1 (formerly #11) is worded to better reflect a philosophy of openness to the public.

Guideline #5 allows for broader coverage of the proceedings by providing the option of orientation shots to allow viewers to see where their MLA sits in the House, where the government sits and where the opposition sits, etc.

Guideline #6 allows the use of the two corner cameras facing the Speaker. These two cameras give a much wider and comprehensive view of the Chamber than the centre camera (over the main entrance door).

Guideline #7 allows the cameras to show committees in a more coherent manner. The cameras will be allowed to cut briefly to shots of the Minister conferring with department officials and wide shots of the House.

Guideline #11 will allow the cameras to show the introduction of distinguished visitors to the Chamber (only on instruction from the Speaker to do so).

Guideline #12 claims copyright to the audio/video record of the proceedings and describes the conditions under which the record of the proceedings may be used. Any variations of use from the conditions listed will be a violation of the *Copyright Act (Canada)* and may be prosecuted accordingly.

Guideline #13 allows equal access for members and the media to any portion of the proceedings they wish to have copied by the Broadcast Services Branch.

It is recommended that the proposed Television Guidelines be adopted in the interest of presenting a more complete and coherent record of the proceedings to the public.

Proposed Television Guidelines

1. The overall philosophy of television coverage of the proceedings of the Legislative Assembly should be an accurate, factual and coherent record of the legislative proceedings which will allow the viewing public to clearly understand how the legislative process works without dramatizing or editorializing the proceedings.

2. The proceedings in the Legislative Chamber, beginning with the Speaker's procession and Prayers until the daily adjournment of the Assembly, shall be recorded and broadcast, including proceedings in Committee of the Whole and Committee of Finance.

3. The Member who is on his/her feet and has been recognized by Mr. Speaker shall be shown on camera and shall be identified periodically indicating his/her full name, political party initials, constituency or for a minister, his/her primary portfolio title.

4. Information as to the status of the House and current business shall be crawled across the television screen periodically during proceedings.

5. The shot of the Member shall be of his/her head and shoulders, or a medium close-up shot showing some of the Members who are seated on either side of the speaking Member, with the exception of an occasional establishing shot to help orientate viewers to the Chamber. On special occasions, such as the Throne Speech and the Budget Speech, cutaway shots of individuals or groups of Members or guests to the House may be shown.

6. When Mr. Speaker is on his/her feet, one of the three (3) cameras facing him/her that best reflects the activities of the House, shall be used at the discretion of the Television Director.

7. When in Committee of the Whole or Committee of Finance, a variation of wide, medium and close shots may be used to best reflect the activities of the Committee. Ministers may be shown consulting their officials. Officials may be shown on camera as introduced by Ministers to committees.

8. Head and shoulder close–ups of Mr. Speaker or the Chair in Committee may be taken when he/she is giving a ruling, reading estimates or calling the House to order.

9. Applause shots and orientation cut-away shots may be taken, however, care should be taken to ensure that these are in good taste and reflect the decorum of the Chamber.

10. Split screen shots will not be permitted.

11. Medium close–up shots may be taken of distinguished visitors sitting in the Speaker's Gallery. These guests will be seated in a predesignated location and Mr. Speaker will instruct the Television Director when such introductions will be made.

    The criteria for introduction of guests to the Assembly who will be shown on camera shall be as follows:

    - Guests must be seated in the Speaker's Gallery in a predesignated location
    - Guests must be Heads of State, Elected Officials, former MLA's, Diplomatic or Trade Delegations
    - Exceptions to these rules must have "all party" approval. Requests for exceptions should be in writing to the Speaker at least two (2) hours in advance of commencement of daily proceedings
    - The television director shall proceed to show guests to be introduced only upon notification from the Speaker's Office.

12. Pursuant to the provisions of the *Copyright Act (Canada)*, the Legislative Assembly of Saskatchewan has copyright in the audio/video record of the proceedings of the Legislative Assembly.

    The person or organization using the record:

    1) shall have a *bona fide* public interest in the use of that record;

    2) shall not use that record with purposeful distortion, nor as light entertainment or political satire; and

    3) shall not use that record as part of any paid advertisement.

13. Members of the Legislative Assembly or the Press Gallery Association may obtain audio/video copies of the record of the proceedings from the Legislative Assembly staff who are operating the equipment. Qualified

requests for a copy of the proceedings will receive the service free of charge but it is the responsibility of the Member or the press to provide their own audio/video tape.

14. After the prorogation of each session of the Legislature, the Clerk of the Legislative Assembly shall ensure that all of the master audio/video record of the proceedings made during that session are deposited in the Provincial Archives, following which access to this record shall be had in accordance with procedures established by the Provincial Archivist.

15. The guidelines shall be enforced by Mr. Speaker. Specific complaints by Members regarding the televising of the proceedings in the Legislative Assembly should be raised with Mr. Speaker in the Speaker's Chambers. Broad reviews of the whole matter of the televising of the debates should be referred to the Standing Committee on Communication.

7. STATEMENTS BY MEMBERS

Issue

Many Legislative Assemblies in Canada provide a daily opportunity for Members to make brief statements on issues of personal concern. The Committee feels that a period for statements by Members would improve the ability of all Members to speak out on matters in a more timely fashion.

Recommendation

The Committee recommends that a period for Statements by Members be included in Routine Proceedings directly ahead of Oral Question Period. It is recommended that the period be ten minutes in length and that Members be restricted to a 90 second statement on any topic of their choosing. In respect to this recommendation, the Committee proposes the following amendment to Rule 8(2) and a new Rule (Rule 9.1) to reflect the basic guidelines for Statements by Members.

1. Rule 8 to be amended to include Members' Statements.

8(2) The ordinary daily routine proceedings in the Assembly shall be as follows:

Presenting Petitions
Reading and Receiving Petitions
Presenting Reports by Standing, Select and Special Committees
Notices of Motions and Questions
Introduction of Guests
Statements by Members
Oral Questions
Ministerial Statements
Introduction of Bills

2. New rule to define the period for Statements by Members.

9.1(1) The time allotted for "Statements by Members" shall be limited to ten minutes.

9.1(2) A Member may be recognized to make a statement for not more than one and one–half minutes.

9.1(3) Members may make statements about any subject of interest or concern.

9.1(4) Statements are not debatable and are not responded to by any other Member.

9.1(5) A Minister of the Crown may not use the time allotted for "Statements by Members" to remark on matters relating to government policy or ministerial action.

Consequential Amendment

At present, Rule 38(2) requires that Oral Question Period shall begin no later than five minutes after the commencement of the daily sitting. In practice this rule has been ignored, given the unpredictable length of the time required for items under Routine Proceedings. The introduction of a 10 minute period for Statements by Members would make this rule all the more impracticable. The following consequential amendment is proposed to provide for Oral Question Period to begin immediately after the period for Statements by Members.

38(2) The Oral Question Period shall begin immediately after the conclusion of the period for Statements by Members and shall be limited to 25 minutes.

8. DEADLINE FOR ANSWERING WRITTEN QUESTIONS

Issue

At present, written questions require 48 hours' notice. At the end of this period, the question is called and the government is required to table seven copies of the answer, or to convert the question to a motion for return. In practice the majority of questions are not answered but converted, notwithstanding the fact that the Minister might have had no objection to answering the question given more time. Part of the appeal for converting questions to returns is that returns are not subject to the 48 hour deadline. The Committee feels more written questions might be answered directly if the deadline was changed to give Ministers more time to prepare answers.

Recommendation

The Committee recommends that reference to written questions be deleted from Rule 41, which outlines the general requirement of 48 hours notice for motions, and that the deadline for answering written questions be extended to five sitting days. It is recommended that this deadline be incorporated into the present Rule 38 as sub-rule (4), as follows:

38(4) Notice of five sitting days shall be given for placing a question on the Order Paper. Such notice shall be laid on the Table and printed in the *Votes and Proceedings*.

Consequential Amendment

Rules 38(4) and (5) are renumbered to become Rule 38(5) and (6).

9. DEADLINE FOR RESPONSES TO AN ORDER FOR RETURN

Issue

At present there is no deadline for a response to a return once it has been ordered by the Assembly. In the past many orders for return have gone unanswered for the duration of a Legislature, only to die upon dissolution. This Committee recognises that this situation is not satisfactory.

Recommendation

The Committee recommends that a deadline of 180 calendar days be placed on a response to an order for return. It is further recommended that responses be filed with the Clerk if a session has been adjourned or prorogued. The proposed rule would ensure timely distribution of responses whenever they are brought down. The recommendations are specified in a new rule as follows:

39(3) An Order of the Assembly for a return must be brought down within 180 calendar days. A return brought down shall be tabled or, if the session has adjourned or prorogued, the return shall be filed with the Clerk. A return, once tabled or filed, becomes a sessional paper and shall be recorded in the *Votes and Proceedings* at the earliest opportunity.

Consequential Amendment

In consequence to this proposed rule change, the Committee recommends that reference to returns be deleted from the present Rule 40 as follows:

40 A prorogation of the Assembly shall not have the effect of nullifying an order or address of the Assembly for papers, but all papers ordered at one Session of the Assembly, if not complied with during the Session, shall be brought down during the following Session, without renewal of the order.

The reason for this consequential amendment is because the proposed rule determines when a return is brought down, and the deadline is not conditional on whether the Assembly is in session or not.

10. ORDER OF PRIVATE MEMBERS' BUSINESS

Issue

Due to the way that Private Members' Day is currently organized, private Members are not provided with adequate opportunity and time to introduce and debate their own legislative measures.

Private Members' Public Bills are the most effective tool available to private Members to have an impact because the consequences of passage have a direct and immediate influence.

As the order of business currently stands on the Order Paper, Private Members' Public Bills are rarely given consideration beyond introduction and first reading as the House seldom finds time on Tuesdays to proceed down the Order Paper to debate these. Private Members are in effect denied the opportunity to properly utilize Private Members' Public Bills and hence, this option is rarely taken up by private Members.

Similarly, motions for orders for returns often sit on the Order Paper for months before they are considered.

Recommendation

Your Committee recommends that, in order to enhance the role of private Members, the order of business on Private Members' Day be reorganized.

It is recommended that the order of business change so that Written Questions, Motions for Returns (Not Debatable), Private Bills and Motions under Rule 16 always be the first four items to be considered. These items are usually limited in time, and Private Bills, while more time-consuming, do not usually recur every week.

This would then be followed by consideration of Private Members' Motions, Private Members' Public Bills and Orders, and Motions for Return (Debatable). The latter three items would be rotated weekly so that they would regularly receive periodic consideration. Otherwise the House may not always reach some of these items on the Order Paper.

In respect of this recommendation, your Committee proposes the following amendment to Rule 8(3):

8(3) The order of business for consideration of the Assembly on Tuesday, after the daily routine shall be as follows:

Written Questions
Motions for Returns (Not Debatable)
Private Bills
Motion under Rule 16 (every other Tuesday)

with the following items to be considered next, the order of which shall be in weekly rotation:

Private Members' Motions (under Rule 16.1)
Private Members' Public Bills and Orders
Motions for Returns (Debatable)

followed by the following items:

Government Motions
Government Orders

Consequential Amendment

In consequence to this proposed rule change, your Committee recommends that the reference to Questions and Motions for Returns (Not Debatable) be deleted and replaced by the words "Private Bills" in Rule 16(1).

11. PRIVATE MEMBERS' MOTIONS

Issue

Private Members' motions, for which notices have been traditionally submitted early in the session, are debated on Private Members' Day. Presently, fewer than half of all motions submitted and placed on the Order Paper are ever debated each session. The motions which are considered are usually adjourned and never resumed and the remaining motions stay sitting on the Order Paper for long periods, until the end of the session.

The consequence of this long delay is that the subject-matter of these motions becomes obsolete and is thus no longer timely and topical when the motions do finally come to debate. The role of the private Member as a spokesperson for his/her constituents and for the citizens of Saskatchewan is somewhat eroded in that Members are not given the opportunity to introduce debate and influence issues of immediate and current concern to all.

Recommendation

Your Committee recommends that notices for private Members' motions be submitted on each Friday for the following Tuesday. The notice to be listed first on the Order Paper would alternate between Government and Opposition Members each week. Where more than one notice is submitted, Government and Opposition notices would be listed alternately. The selection of the notice to be listed first when there are competing motions from one side of the House would be left to the discretion of the Chair.

All notices not taken up on the following Private Members' Day would drop from the Order Paper. Adjourned items would remain on the Order Paper until disposition.

Private Members' motions would rotate on the Order Paper from week to week with "Private Members' Public Bills and Orders" and "Motions for Returns (Debatable)".

Your Committee therefore recommends the following new rule:

16.1(1) Motions may be moved every Tuesday under Private Members' Motions, with the choice of topic of debate alternating between Government and Opposition each week.

16.1(2) Private Members' Motions shall rotate on the Order Paper from week to week with Private Members' Public Bills and Orders, and Motions for Return (Debatable), in accordance with the order of business provisions under Rule 8(3).

16.1(3) Notices for Private Members' Motions shall be tabled no later than 11:00 a.m. on the Friday preceding the Tuesday on which the motion is to be debated and where more than one notice is tabled, Government and Opposition notices will be listed alternately on the Order Paper.

16.1(4) The Speaker shall determine the order of notices to be listed on the Order Paper in the event that there are competing motions from one side of the House.

16.1(5) All notices not taken up on the following Tuesday shall be withdrawn from the Order Paper and adjourned items shall remain on the Order Paper until disposition.

12. RULE 16 - PRIVATE MEMBERS' DAY DEBATE

Issue

Your Committee endorses the continuation of the current practice of the Assembly with respect to debates of motions under Rule 16. These proceedings provide private Members with the opportunity of debating subject-matters which are topical, timely and of great importance.

Your Committee considered a procedural innovation that has been implemented in the House of Commons and Ontario which provides for a ten minute question and comment period after each Members' speech in regular debates. The purpose of this procedure is to enhance the cut and thrust of debate and to keep Members answerable for the things they say in debate.

Recommendation

Your Committee recommends that a variation of this procedure be added to the Rule 16 debate by devoting the last ten minutes of the 75 minute debate to questions and comments from other Members directed to those who had participated in the Rule 16 debate.

The questions and comments would be relevant to the contents of the speeches and the exchanges would be short and sharp. Members who spoke in the debate would be given an opportunity to respond to questions raised. There would be no specific rules to cover the length of interventions, as this would be left to the discretion of the Chair, with the intent that no single Member would monopolize the full ten minute period.

The introduction of such a question and comment period would enliven the debate and add a constructive element to a debate which may otherwise consist of a series of set speeches.

The Speaker would be given discretion to allocate first priority between competing notices within one side to give all Members reasonable opportunity to move a motion under Rule 16.

Your Committee recommends that a new Rule 16(2) be adopted as follows:

16(2) At the expiration of sixty-five minutes, there shall be a period not exceeding ten minutes to be made available, if required, to allow Members to ask questions and comment briefly on matters relevant to the contents of the speeches and allow Members who spoke in the debate to respond to questions raised.

Renumber sub-rules 16(2), (3) and (4) as (3), (4) and (5).

13. PRIORITY OF DEBATE

Issue

The present Rule 17 contains many cumbersome and confusing forms of procedure not otherwise used in modern parliamentary practice. For example, the process in Rule 17 of requiring a motion to ask leave to move another motion to ask for a priority of debate before being able to move the actual emergency debate motion is a good example of how obsolete procedural forms unduly complicate what should be a straight forward process. There is no need to require up to three motions to accomplish what could be done in one.

The complicated nature of the present Rule 17 is compounded by a cumbersome process of seeking authority just to simply broach an emergency matter to the Assembly. If the Speaker gives a favourable review of the emergency debate proposition, it is referred to the Assembly where Members are asked to verify the Speaker's ruling by a complicated process of various combinations of Members rising in support. This too is unduly complicated and cumbersome and is in need of amendment.

In actual practice, the Assembly has gotten into the habit of shortening the process by having the emergency debate before ever reaching the final step of the rule. The debate has in nearly all instances taken place on the question whether or not the matter is an actual emergency. In effect, this denies the Assembly any opportunity to express an opinion on the issue.

Finally, the new rule also addresses the role of the Speaker in determining whether or not matters should be considered of urgent public importance. Presently a Member who submits an emergency debate proposition has no recourse if the Speaker deems the matter not significant enough to disrupt the Assembly's regular business. The Speaker's ruling, in this instance, like any other ruling, cannot be challenged. On the other hand if the Speaker grants permission to proceed, the current Rule 17 permits the Speaker to be over–ruled through a process of Members showing objection by either rising in their place or not rising. In this respect Rule 17 stands in contradiction to modern practice and is inconsistent in itself. The Speaker can deny permission without challenge but when he or she gives permission it is at the risk of an appeal. The Committee is of the opinion that the Speaker should not be over–ruled, given the modern practice that disallows challenges to any other type of rulings.

Recommendation

The proposed amendments to Rule 17 are meant to simplify the emergency debate process so it is understandable and easy to use. It is recommended that many of the superfluous steps be eliminated so that the Assembly can more directly come to a conclusion about issues deemed to be of utmost importance. To ensure the Assembly indeed does have the opportunity to express its opinion, provisions in the proposed new rule specify that the matter must come to a vote.

The Committee also recommends that the Speaker be given complete authority in determining matters for priority of debate. Provisions have been included in the proposed rule change to bring Rule 17 into conformity with the modern practice of disallowing appeals to Speaker's rulings.

The noted recommendations are incorporated into the following proposed amendment to Rule 17:

17(1) For the purpose of discussing a definite matter of urgent public importance, at the conclusion of Routine Proceedings and before Orders of the Day are entered upon, any Member may if authorized under the provisions of this rule, move a "Priority of Debate" motion.

17(2) A written request to seek authorization for a "Priority of Debate" motion under Rule 17 must be submitted to the Clerk of the Legislative Assembly at least two hours prior to the sitting of the Assembly. Such notice is to contain a statement why the matter is of urgent public importance, as well as the text of the proposed "Priority of Debate" motion. The "Priority of Debate" motion must be strictly relevant to the matter of urgent public importance.

17(3) Notices for "Priority of Debate" shall be recognized in the order in which they were received by the Clerk.

17(4) Immediately upon receipt of such notice, the Clerk shall forthwith advise the Premier, the Leader of the Opposition and the Leader of the Third Party, of the subject matter thereof.

17(5) The Speaker shall decide, without any debate, whether or not the matter is proper to be discussed. In determining whether a matter should have urgent consideration, the Speaker shall have regard to the extent to which it concerns the administrative responsibilities of the government or could come within the scope of ministerial action and the Speaker also shall have regard to the probability of the matter being brought before the House within reasonable time by other means.

17(6) The right to move a "Priority of Debate" motion is subject to the following restrictions:

(a) the matter proposed for discussion must be of urgent public importance calling for immediate consideration;

(b) not more than one such motion can be debated at the same sitting;

(c) not more than one matter can be discussed on the same motion;

(d) the motion must not revive discussion on a matter which has been debated in the same session;

(e) the motion must not raise a question of privilege;

(f) the discussion upon the motion must not raise any question which, according to the Rules of the Assembly, can only be debated on a distinct motion under notice.

17(7) If the Speaker is satisfied the matter for "Priority of Debate" is proper to be discussed, the provisions of Rule 41 shall be suspended and a motion without notice strictly relevant to the subject aforesaid shall be in order.

17(8) No "Priority of Debate" motion shall be adjourned and unless sooner concluded debate shall end at ten minutes before the ordinary time of daily adjournment when the Speaker shall interrupt the proceedings and forthwith put every question necessary to dispose of the main motion.

14. LEGISLATIVE INTERNSHIP PROGRAM

Issue

Over the last two decades, Parliamentary Internship Programs have been established in the House of Commons and in six provinces, (British Columbia, Alberta, Manitoba, Ontario, Quebec and Nova Scotia). While these programs vary somewhat in terms of organization and administration, they share similar goals and purposes. They have all been successful in providing a unique educational experience for university graduates by allowing them an opportunity to augment their theoretical knowledge of parliament and government with practical experience of the day–to–day work of elected representatives. Internship programs have also created a new and desirable service for legislators by providing them with highly qualified and enthusiastic assistants. Furthermore, as a nucleus of young citizens who better understand the principles of our parliamentary system of government, the graduates of internship programs provide a long–term benefit to the country. The success of the various Canadian parliamentary internship programs strongly suggests that a similar program would be very well received in Saskatchewan.

Recommendation

Your Committee recommends that the Speaker consider the implementation of a Legislative Internship Program and that in view of the need for economic restraint, that the Speaker actively explore alternative means of funding such a program.

15. SMOKING IN THE CHAMBER

Issue

Historically, smoking has been forbidden in the Chamber while the Assembly is in formal session with the Speaker in the Chair but is allowed when the Assembly is in a Committee of the Whole House.

Recommendation

In recognition of the health hazards related to smoking, your Committee recommends that smoking be prohibited in the Chamber during all proceedings.

16. DISTRIBUTION OF ANNUAL REPORTS

Issue

It has been a long-standing practice that copies of annual reports and documents that are required to be tabled in the Legislative Assembly are distributed to each Member's desk once they are tabled.

Recommendation

In order to save paper and respect environmental concerns, it is recommended that the practice of automatically distributing material to every Member be changed. An appropriate number of reports could be distributed to each caucus for the use of Members and staff. In addition, Members may request a copy of any tabled document from a Page or the Clerk's office. Certain reports such as the Public Accounts, the Provincial Auditor's Report and the reports of other Officers of the Legislative Assembly should continue to be distributed to each Member in the traditional way.

17. THE USE OF LAP-TOP COMPUTERS IN THE CHAMBER

Issue

Many Members of the Legislative Assembly are using computer technology in their offices to assist them in carrying out their responsibilities. The small portable lap-top computers are used by some Members in the same way as others use pad and pencil. Currently the use of such aids has not been permitted in the Chamber.

Recommendation

That lap-top computers be permitted to be used in the Chamber subject to the following restrictions as interpreted by the Chair:

(a) that lap-tops be permitted for use in Committee of the Whole and Committee of Finance only;

(b) that they be programmed to operate silently;

(c) the computer may not be used by a Member who has the floor or is involved in the exchange of remarks.

18. NEW FILING DEADLINE FOR CANDIDATES RUNNING IN AN ELECTION OF SPEAKER

Issue

The current rule that outlines the process for becoming a candidate for election to the Office of Speaker stipulates that notice must be given to the Clerk no later than 5:00 p.m. on the day preceding the day on which the election of Speaker is expected to take place. The close proximity of the deadline to the election is to take into account the resignation of a Speaker during a session, given the fact that under statute the Assembly cannot conduct any business until a Speaker is elected. The rule facilitates the quick succession required if a session is not to be unduly disrupted. Unfortunately, out of necessity, there is little or no opportunity for the candidates to receive procedural and administrative briefings. At the beginning of a new Legislature, however, there is no such pressure and the committee recognises that there is no reason why candidates shouldn't file much sooner. If the candidates were known earlier, Members would be better able to assess the persons running for Office of the Speaker. Furthermore, the Clerk would be much better able to offer the declared candidates briefings on parliamentary procedure, the election process, etc.

Recommendation

For the above reasons the Committee recommends the following amendment to the election of Speaker rule to require candidates to file with the Clerk no later than five days in advance of the election when that election is to take place at the beginning of a Legislature.

24(1) (a) Before the commencement of a Legislature, any Member who wishes to stand for election to the Office of Speaker shall, not later than 5:00 p.m. on the fifth day preceding the day on which the election of a Speaker is expected to take place, in writing, so inform the Clerk of the Assembly who shall prepare, in alphabetical order, a list of such Members' names who wish to stand as candidates for election to the Office of Speaker.

(b) At any other time, any Member who wishes to stand for election to the Office of Speaker shall, not later than 5:00 p.m. on the day preceding the day on which the election of a Speaker is expected, in writing, so inform the Clerk of the Assembly who

shall prepare, in alphabetical order, a list of such Members' names who wish to stand as candidates for election to the Office of Speaker.

19. ELIGIBILITY OF AN INCUMBENT TO BE A CANDIDATE IN AN ELECTION OF SPEAKER

Issue

Currently, Rule 22(2) specifies that upon the death or resignation of a Speaker, the Assembly shall proceed to elect "another" of its Members to be Speaker. The Committee recognises that a Speaker might, in an extreme situation, resign on a matter of principle and intend to use the election process as a test in confidence. The way the rule is worded, the ex-Speaker could be deemed to be ineligible for re-election.

Recommendation

The Committee recommends a simple amendment to Rule 22 to ensure that a Speaker, having resigned shall be eligible for re-election. The replacement of the word "another" in the phrase "the Assembly shall proceed to elect another of its Members to be Speaker" with the word "one", would make it clear that an incumbent, having resigned, could again run for Office of the Speaker. The following amendment is hereby recommended:

22(2) In the case of a vacancy in the Office of Speaker, as a result of death, resignation or otherwise of the incumbent of that Office, the Assembly shall proceed to elect one of its Members to be Speaker.

20. ELECTION OF DEPUTY SPEAKER BY SECRET BALLOT

Issue

For the same reasons that the Assembly adopted rules for the election of Speaker by secret ballot, the Committee is of the opinion that the Deputy Speaker should be elected by the same process. The Committee feels the position would be enhanced and better respected if Members had a more direct role in the actual selection of their Deputy Speaker.

Recommendation

The Committee recommends that the election of Speaker procedures be used with two exceptions.

First of all, by statute the election of Deputy Speaker is not a priority for the Assembly in the same respect as the election of Speaker. In the case of the Speaker the House is not considered properly constituted until a Member is elected to the position. The same is not true in the case of the Deputy and therefore the Assembly has some flexibility in choosing a time for the election. Traditionally, the old procedure took place after the Throne Speech. With the secret ballot process, it is impossible to continue this practice without disrupting the ceremonial proceedings of opening day. Therefore, this Committee recommends that Assembly conduct the election of the Deputy Speaker on the first sitting day after the Throne Speech.

Secondly, the Committee recommends that provisions be made to allow any unsuccessful candidate for the election of Speaker to register as a candidate for election of Deputy Speaker after the normal deadline has expired. If exceptions are not made then anyone running for Speaker is automatically precluded from running for Deputy Speaker, because they will not know the results of the Speaker election until it is too late to register as a candidate for Deputy Speaker.

To provide for the election of Deputy Speaker, and to account for those special requirements noted above, the Committee recommends the following rule:

24.1(1) On the first sitting day after the Speech from the Throne at the commencement of each Legislature, or from time to time as may be required, a Member shall be elected by the Assembly to be Deputy Speaker and Chair of the Committee of the Whole.

24.1(2) No Minister of the Crown, nor party leader, shall be eligible to be elected Deputy Speaker.

24.1(3) When the election of Deputy Speaker is to take place, no other business and no motion of any kind shall be accepted, and the Assembly shall continue to sit, if necessary, beyond its ordinary hour of daily adjournment, until a Deputy Speaker is elected, and if the Assembly has continued to sit beyond its ordinary hour of daily adjournment, the Speaker shall thereupon adjourn the Assembly until the next sitting.

24.1(4) For the purpose of electing a Deputy Speaker, except as provided in Rule 24.1(5), the rules for the election of Speaker will apply in the manner prescribed in Rules 23 through 24.

24.1(5) When the election of Deputy Speaker is to take place at the first sitting day after the commencement of a Legislature, any candidate who had not been elected to the Office of Speaker may stand for election as Deputy Speaker, by informing the Clerk in writing not later than 5:00 p.m. on the day preceding the day on which the election of Deputy Speaker is expected to take place.

APPENDIX

SPECIAL COMMITTEE ON RULES AND PROCEDURES

DOCUMENTS TABLED

R 1/92	Draft List of Topics for Rules Revision
R 2/92	Comparison of Parliamentary Sitting Hours
R 3/92	Opportunities for Private Members' Business
R 4/92	Members Statements
R 5/92	Comparison of Practices respecting the Requirement for the Royal Recommendation on Money Bills and Motions
R 6/92	Presentation of Petitions
R 7/92	Tabling of Documents
R 8/92	Timing of Budget Presentations
R 9/92	Decorum and Penalties in the House
R 10/92	Decorum
R 11/92	Disciplinary Powers of the Chair
R 12/92	Is the use of Pagers, Cellular Phones or Lap–top Computers allowed in the Chamber
R 13/92	Introduction of Guests
R 14/92	Time limit on Division Bells and Deferral of Recorded Divisions
R 15/92	Time limit on Speeches
R 16/92	Oral Question Period
R 17/92	Motions and Returns
R 18/92	Estimates procedure
R 19/92	Recognition of Third Parties
R 20/92	Guidelines Governing Television Coverage of the Proceedings of the Legislative Assembly
R 21/92	Length of Throne Speech and Budget Speech Debates
R 22/92	Parliamentary Calendar
R 23/92	Bibliography on Rules, Procedures, Standing Orders, Legislative Reform and other Parliamentary Issues
R 24/92	Proposed Amendment to Rule 43
R 25/92	Private Members' Statements: Options for Saskatchewan
R 26/92	Oral Question Period: Issues to Consider
R 27/92	Sitting Hours and related issues: Options
R 28/92	Parliamentary Calendar: Options
R 29/92	Standing Committees: Characteristics in each Jurisdiction
R 30/92	Comparison of Business Done in Standing Committees
R 31/92	When Committees Can Meet
R 32/92	Issues re Expanded Use of Committees
R 33/92	Decorum Issues: Power to Adjourn for Grave Disorder
R 34/92	Annotated Bibliography for the Special Committee on Rules and Procedures
R 35/92	Information regarding distribution of televised proceedings.
R 36/92	Information regarding Radio Broadcasting of the Proceedings.
R 37/92	Television in Legislative Committees

R 38/92	Guidelines Governing Television Coverage of the Proceeding of the Legislative Assembly
R 39/92	Order Paper Options for Private Members' Business
R 40/92	Rule 17 (Priority of Debate)
R 41/92	Division Deferral Rule – Provisional Rule of 1988 that was not confirmed.
R 42/92	Time Allocation
R 43/92	Quorum Call Procedures
R 44/92	Question & Comment Period After each Speech
R 45/92	Legislative Internship Program
R 46/92	Legislative Library Research Service
R 47/92	Scrutiny of Order in Council Appointments in Ontario
R 48/92	New Rule to Exempt the Assembly From Sitting Certain Public Holidays, Including Boxing Day
R 49/92	Private Members' Day Debate (Rule 16 format)
R 50/92	New Rule to Extend the Deadline for Answering Written Questions to Five Days
R 51/92	New Rule to Make a Deadline for Responses to an Order for Return
R 52/92	Draft New Rule 17 — Priority of Debate
R 53/92	Proposed Television Guidelines (Introduction of Guests and Orientation Shots of Chamber)
R 54/92	Private Members' Order of Business
R 55/92	Members' Statements
R 56/92	Rule Amendment to Delete the Requirement for Seconders for all Classes of Motions
R 57/92	Recommendations for policies regarding Smoking in the Chamber and for the Distribution of Annual Reports
R 58/92	Legislative Internship Programme
R 59/92	Amendments to Rules Governing the Election of Speaker by Secret Ballot
R 60/92	Election of Deputy Speaker by Secret Ballot
R 61/92	Notes on Third Party Status